



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 1, 2007

TO: City Council

FROM: Planning Division, Community Development Department

SUBJECT: Single Family Design Guidelines (SFDG)/Neighborhood Preservation Ordinance (NPO) Update Introduction

RECOMMENDATION: That Council:

- A. Introduce And Subsequently Adopt, By Reading Of Title Only, An Ordinance Of The Council Of The City Of Santa Barbara Amending Titles 22 and 28 of The Santa Barbara Municipal Code Relating to Design Review of Proposed Land Development and Establishing A Maximum Net Square Footage Standard (Floor to Lot Area Ratio) for Single Family Homes;
- B. Adopt on May 8, 2007, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Updated Single Family Design Guidelines; and
- C. Recommend that Staff return to Council in July 2009 with a review of the SFDG/NPO.

EXECUTIVE SUMMARY:

After a three-year intensive process, Council gave unanimous support to most proposed components of the Neighborhood Preservation Ordinance/Single Family Design Guidelines (NPO/SFDG) Update project on August 8, 2006. Subsequently, per Council direction, the Ordinance Committee made specific recommendations on two FAR implementation issues and recommended that private views not be addressed in the NPO. The Ordinance Committee also provided direction on the creation of a new Neighborhood Preservation Board (NPB) to review single-family projects and reviewed the proposed NPO. On April 17, the Ordinance Committee recommended Council adopt the NPO. Also, per Council direction, staff presented revised SFDG to the ABR on April 16 for comments.

The proposed NPO and related Ordinance amendments will result in changes to **Titles 22 and 28** of the Santa Barbara Municipal Code. The goal is to ensure appropriate aesthetics

REVIEWED BY: _____Attorney

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and neighborhood compatibility for single-family-home construction projects in existing neighborhoods. Major new provisions for single-family-home development include:

1. Maximum floor areas for lots under 15,000 square feet (also known as "Floor to Lot Area Ratio" (FAR) requirements), with provisions to exceed maximum floor areas with modifications in some cases.
2. Updated Single Family Design Guidelines (SFDG) to help guide project review.
3. Expanded application categories subject to Design Review, including new second or third story projects.
4. Project processing procedures specified in relationship to a newly created seven-member Neighborhood Preservation Board (NPB), which will review most single-family projects subject to Design Review.
5. Revised findings required for project approvals.
6. Revised Hillside Special Design District boundaries.
7. "Green" building components required for large residences.

Projects submitted to the City after May 1st will be subject to NPB review. The first NPB meeting is scheduled for July 16th. Staff plans to work with applicants on new submittal requirements and preliminary plan check comments between May and July. These applicants will also have the option of receiving comments (but no approvals) from the ABR on projects. Although this "processing time delay" for new applications will constitute a significant inconvenience for some applicants, it will help to avoid an application rate "spike" as was seen when the Interim NPO was adopted.

Staff will return to Council June 26, 2007 for adoption of NPB Administrative Guidelines and revised ABR Administrative Guidelines. Staff will also return to Council in July 2009 for a review of the effectiveness of the NPO/SFDG Update.

DISCUSSION:

After a three year intensive public comment and review process, on August 8, 2006, Council gave direction regarding the Neighborhood Preservation Ordinance/Single Family Design Guidelines (NPO/SFDG) Update project. There was unanimous support by Council on the majority of items in the proposed NPO/SFDG Update. Since August, the City Attorney's Office has drafted the update Ordinance and Staff has completed further revisions to the Single Family Design Guidelines.

Ordinance Committee Review. On October 24, 2006, at Council's direction, the Ordinance Committee completed the following three tasks:

1. Decided private view protection should not be included in the NPO.
2. Revised the required finding for NPO project approvals.
3. Determined that FARs will apply as guidelines for single-family projects located in multi-family zones.

On February 27, March 13, April 10, and April 17, 2007, the Ordinance Committee reviewed drafts of the Ordinance and gave comments. A major task of the February and March hearings was to review and revise the Neighborhood Preservation Board proposal, including revising the membership size and composition. Another major comment by the Ordinance Committee was to ensure that nearby tenant noticing would be required for projects reviewed by the NPB. The remainder of Ordinance provisions were reviewed at the subsequent meetings. The Ordinance Committee, at their April 17 hearing, recommended that Council adopt the ordinance amendments proposed by this report.

Single Family Design Guidelines Review. The updated Single Family Design Guidelines (SFDG) were presented in May, 2006 at an "Open House" joint meeting along with the City Council, Planning Commission, and Historic Landmarks Commission. At the August 2006 Council meeting, Council directed Staff to bring the final version of the updated Draft SFDG for a final review by the ABR. Staff has worked with a subcommittee of the ABR to incorporate a number of changes to the guidelines with the goal of providing useful new "tools" for single-family residential project review including: a new "Site Planning and Structure Placement" chapter, major revisions to the "Compatibility" chapter, a new "Two-Story Design Concepts" chapter and new illustrations and photographs. Staff republished the document in April 2007 and the ABR reviewed the updated draft on April 16, 2007.

Proposed Ordinance

Attached to this report are proposed ordinance amendments. Ordinance effective dates and interim case processing are proposed in relationship to the formation of the NPB. A summary of the proposed Ordinance amendments follows.

Various sections of the Municipal Code need revision to implement NPO Update recommendations. Below is a brief summary of proposed Municipal Code items.

Section 22.68.020 Architectural Board of Review Redefines the design review triggers for the Architectural Board of Review to focus on commercial and multi-unit residential projects.

Section 22.68.060 Hillside Design District The Hillside Design District Map has been amended as recommended by Steering Committee (and subsequent reviewing hearing bodies). This amendment treats adjacent lots within the hillside areas more consistently.

Section 22.68.110 Time Extensions Establishes an expiration date for project approvals and procedures for requesting extensions.

Chapter 22.69 Neighborhood Preservation Board (NPB) A new seven-member body is created to review NPO (single-family) projects. The ordinance includes required findings for project approvals in Section 22.69.050. Appeals from this Board are heard directly by the City Council.

Section 22.69.020 Hillside Design District Project Design Review “Triggers” includes:

- Requires Design Review for exterior alterations on lots or building sites with average slopes of 20% or greater
- Requires Design Review of all roofing alterations

Section 22.69.020.G Grading and Retaining Wall Project Design Review “Triggers.”

Requires Design Review for retaining wall projects:

- On lots or building sites with average slopes of 15% or greater
- On lots adjacent to an ocean bluff
- Where the combined height of multiple adjacent retaining walls exceeds 6’

Other Grading Implementation Notes: New grading standards will be implemented through the NPB Guidelines, rather than ordinance amendments. The new grading standards are proposed to be required for project sites or properties with a 20% or greater slope or more than 250 cubic yards outside of the main building footprint.

Section 22.69.040 NPB Notice and Hearing for new homes, two-story home projects, projects with substantial grading or with lighting with the potential to create significant off-site glare is required to include:

1. Mailed notice to the 20 closest property owners, and
2. Mailed notice to property owners within 100 feet.

The Ordinance also allows the City to require the following types of noticing:

1. On-site notice posting; and
2. A “flyer” type of notice to be dropped off at the 20 closest residences for tenants to receive.

A failure for any individual to receive notice of a hearing through posting or a flyer shall not constitute grounds for a project not to be approved or to be appealed.

Section 22.69.050 NPB Preservation Ordinance Findings include compatibility findings, special Hillside findings and include a requirement for general compliance with the “Good Neighbor” privacy, landscaping, noise and lighting guidelines listed in the Single Family Design Guidelines. Hillside findings will be applicable not only Hillside Design District lots, but also to lots with 10% or greater average slopes or 10% or greater project sites.

Section 22.69.055 Green building for large residences is required to be at the two-star Santa Barbara BuiltGreen program level for projects reviewed by the NPB that are more than 4,000 square feet.

Section 28.04 Definitions Revised definitions of “grade” and “building height” are provided and the following “new” definitions are included in 28.04:

- Addition
- Alteration

- Grading definitions in California Building Code Section 3308, except: “approval”, “borrow”, “key”, “site”, “slope”, “soil”, and “terrace”.

Section 28.15.083 Floor to Lot Area Ratio (FAR) is referred to as a “maximum net floor area.”

- Sets floor area maximums for projects involving two or more stories for lots under 15,000 square feet via formulas (section 28.15.083).
- Planning Commission modifications required for two-or-more-story homes to exceed FAR maximum or 85% of maximum FAR when certain other conditions apply (section 28.28.15.083.C).
- Limited one-time increase allowed for homes that are legal non-conforming as to FAR (section 28.87.030.D.1.c).

Section 28.15.083 Basement square footage discounts from net floor area calculations as they contribute to FARs are available in some cases where substantial portions of basements are significantly below grade. The “discounts” are included in 28.18.083 “Special Rules” for calculating net floor area for FAR calculations within the NPO.

Section 28.15.083 Secondary dwelling units not counted in FAR calculations. On August 8, 2006 Council gave unanimous direction to exempt the square footage of secondary dwelling units (sometimes referred to as “granny units”) from FAR maximum requirements. Therefore, the floor area of secondary dwelling units is not subject to FAR requirements in single-family zones and is not counted in net floor area for FAR calculations.

Section 28.87.062 Disallows balcony encroachments into required interior and front yards without a modification in single family zone districts. Balconies are allowed to encroach two feet into setbacks in other zone districts without a modification per 28.87.062.

Section 28.90.100 On-site parking flexibility for under 85% of maximum FAR proposals. One uncovered parking space and one covered parking space to be allowed if the uncovered parking space is beyond the front yard. The uncovered parking space would be allowed to encroach within interior yards if a three-foot landscaped buffer is provided between the uncovered parking space and property lines. Staff has revised this proposal since the City Council last reviewed it in August 2006. A minimum three-foot yard setback appears more appropriate than the original zero-foot yard setback proposal because other uncovered parking provisions require a minimum of three-foot yard setbacks. Originally proposed in association with this provision was a limitation on floor area that could be demolished. That aspect of the proposal was eliminated due to the difficulty of differentiating between demolition associated with on-site parking flexibility and demolition for other purposes.

28.92.110 Modifications includes a provision for exceeding the maximum net floor area standard if three findings are made.

CEQA COMPLIANCE STATEMENT:

Staff and the Environmental Analyst determined that the updates of codes and/or guidelines, would not result in significant impacts to the environment, and would be Categorical Exempt from further environmental review procedures under CEQA Guidelines section 15308, Actions by Regulatory Agencies for Protection of the Environment. The proposed updated codes and guidelines are the type of provisions identified by City Council Resolution as consistent with this exemption category and therefore would require no further CEQA review:

“Creation of minor new, and minor amendments to existing land use plans, ordinances, guidelines, regulations and/or development standards for the protection of the environment which may result in changes in land use or density. Protection of the environment includes any project or activity which would prevent or reduce the degradation of air resources, water resources, land resources, mineral resources, biotic (flora and fauna) resources, cultural resources, aesthetic resources, and ambient noise. Examples of this exemption include, but are not limited to:

...

- “(B) Guidelines to improve aesthetics*
- “(C) Development review process ordinances*
- “(D) Ordinances to create, expand, or amend special design districts (e.g., Hillside Design District, Highway 101 Design District, etc.)”*

[From: List of City Determined Examples of Activities/Projects Qualifying as Ministerial or Categorical Exempt, 1999]

Following adoption of the updated codes and/or guidelines, subsequent discretionary approval actions on individual projects would continue to be subject to CEQA environmental review procedures.

NEXT STEPS:

Following is a chronology of the Ordinance effective dates and how applications will be routed from May through July this year. Review of the SFDG/NPO in two years is also described in this section.

Ordinance Effective Dates. The proposed schedule of Ordinance effective dates outlined in the Ordinance are as follows:

- Council Ordinance Introduction: **May 1**
- Council Ordinance Adoption (5 affirmative votes required per Title 28), Single Family Design Guidelines (SFDG) adopting resolution approval and recruitment for NPB members may begin: **May 8**

- Effective Date of the Ordinance provisions which allow Council appointment of NPB members: **June 7**
- Council adoption of NPB Administrative guidelines and revised ABR Administrative Guidelines: **June 26**
- First NPB hearing: **July 16**

Application Processing Proposals. Provisions for processing pending projects during the NPB recruitment, appointment and first hearing date time period: **May through July '07**

1. Any project that has been granted preliminary approval with Neighborhood Preservation Ordinance findings made by the ABR prior to May 1st will complete the review process per Ordinance provisions in place at the time of Preliminary Approval. The final approval process for these projects will be completed with the ABR.
2. Project applications which have the following characteristics will be processed under the existing Ordinance as of April 30:
 - a. were exempt from ABR at the time of application;
 - b. have submitted complete applications with Building and Safety; and
 - c. are in an "unexpired" plan check stage prior to May 1.
3. All projects in the ABR Concept or Preliminary Approval Review stages over 85% of the maximum FAR, without a Preliminary Approval will be subject to the new ordinance provisions and must be processed by the NPB. Projects under 85% of the maximum FAR will continue to be processed by the ABR under the existing ordinance provisions in place as of May 7 and per the updated Single Family Design Guidelines, to be adopted on May 8. Any NPO projects may be scheduled at the ABR for Concept reviews prior to the first NPB meeting, but only projects under 85% of the maximum FAR may receive a Preliminary Approval at ABR between May 8 and July 16. When the NPB convenes July 16, the NPB will assume processing of any projects subject to the NPO which do not have a Preliminary approval.
4. Project applications filed after May 1 will be subject to the new ordinance and NPB review rather than ABR review.
5. Projects that have received another land use approval prior to May 1 (modifications, Coastal Development Permit (CDP) or NPO project approval at Planning Commission) will retain those project approvals. Any required NPO related design review processing for the projects will be continued to be processed by ABR until the NPB convenes (unless the project has received

Preliminary approval as noted in item 1, above or is already in plan check as noted in item 3, above). Any of these projects with an over-the-maximum FAR would be considered legal non-conforming.

As a result, projects meeting the criteria in Items 1 and 2 would experience no processing delays. However, some projects in categories 3 and 4 above could experience a processing delay of approximately two months until the first NPB meeting on July 16.

From May 1 through July 16, the City would accept any new applications for projects which are specified as subject to NPB Consent or Full board review, and the first Concept reviews would be scheduled for July 16. Staff will conduct Preliminary Plan checks on those applications and be available to assist applicants in understanding new submittal requirements and to process NPB projects eligible for Administrative approval, as specified in the pending NPB Guidelines. It is expected that some applicants will be able to work on new submittal requirements and additional neighborhood outreach while the new NPB is assembled.

Staff recognizes the first NPB meeting date timing may create a two month processing delay for some applicants, a significant inconvenience to applicants. However, the consequences of allowing continued applications through the adoption and ordinance effective date time period to be processed under previous ordinance provisions would likely result in an undesirable project application rate "spike". When the Interim NPO Ordinance was adopted, there were over 70 cases received during the adoption to effective date beyond the normal number of cases which would have been expected to have been received in that time period. At least one of those approved projects, on Mohawk Road, has caused considerable neighborhood concern. Staff recommends designing this ordinance's effective dates and application processing provisions to avoid a similar "rush" of applications.

Review in Two Years. Staff will hold an evening or weekend public workshop to allow the public to discuss a report on effectiveness of the NPO/SFDG update in the summer of 2009. The report will include information such as:

- the number of projects reviewed under the new ordinance
- the number of modifications for Floor to Lot Area Ratios granted
- the effectiveness and appropriateness of the FAR regulations and guidelines, NPB reviews and SFDG
- any recommended ordinance amendments or amendments to the SFDG or NPB Guidelines to solve any major issues that may surface, including any suggestions from the NPB, ABR, Historic Landmarks Commission (HLC), or PC.

Following the public workshop, Staff will present a report and the results of the workshop to the City Council in July 2009 with any recommended changes to the SFDG, NPO or NPB Guidelines.

BUDGET/FINANCIAL INFORMATION:

Significant budget impacts are not expected as a result of proposed ordinance amendments and a new NPC and ABR every other week schedule. The budget submitted by the Community Development Department provides for additional staff training to accommodate proposed NPO programs. The previously submitted Department budget for FY'07 – '08 will be adjusted upwards to reflect proposals for up to \$35,000 annually in stipends for ABR, NPB and HLC member activities. ABR, NPC and HLC members are proposed to receive \$50 per full board meeting attended and an additional \$25 for each consent calendar review session.

SUSTAINABILITY IMPACT:

The proposed NPO Update would improve the sustainability of level of single-family development patterns in the City in many ways, including the following:

- **Smaller home development patterns will result.** Homes are required to be under maximum square footage limits on lots of less than 15,000 square feet. Homes are also encouraged to avoid tall plate heights in the SFDG. Smaller homes generally use less building material resources and have fewer environmental impacts associated with construction. Smaller homes also typically have less long-term energy use than larger homes and over time, need less maintenance that might involve the use of toxic materials. Smaller homes allow for more opportunities for site soil infiltration of storm water, and for more landscaping opportunities.
- **Some smaller garages and less major site redevelopment may result.** Some projects may be eligible for on-site parking flexibility to allow one covered parking space instead of two. Smaller garages have environmental benefits similar to smaller homes. This provision can also allow for continued use of existing one-car garages rather than the substantial home and garage demolitions which frequently occur to meet the requirement for two covered parking spaces.
- **Built Green Program will be required for some homes.** Homes proposed to be over 4,000 square feet are required to be built at a two-star Santa Barbara Built-Green level or higher.
- **Grading environmental safeguards will be improved.** Additional safeguards and requirements regarding projects proposing significant grading are required. The SFDG Hillside Housing chapter encourages grading minimization and provisions to encourage moderate retaining wall proposals. Water quality, air quality and wildlife corridor qualities can be improved with less grading and fewer tall retaining walls.
- **Sensitive site development encouraged.** A new chapter, "Site Planning and Structure Placement" is included in the updated SFDG. The chapter addresses concepts such as: siting structures to preserve significant vegetation and natural features, passive and active solar design, and maximizing site permeability.
- **Low-level exterior lighting encouraged.** The Lighting section of the SFDG Good Neighbor Guidelines encourages low-level, downward directed energy, which can save energy City-wide and reduce impacts on wildlife in hillside areas.

- **Recycling and compost space allocation encouraged.** Tips included in the SFDG encourages applicants to consider appropriate location and sizing for trash, recycling and compost receptacles.
- **Optional formal bicycle parking encouraged.** Tips included in the SFDG encourage applicants to consider providing formal covered bicycle parking spaces for residents as well as guests in appropriate safe locations, with easy accessibility. Studies show that where bicycle parking is convenient, bicycle transportation increases, which would result in less fossil fuel use from automobile trips.

CONCLUSION:

Throughout this process, it has been evident that citizens and community groups have strong opinions on the subject of home size regulation, expressing a wide range of opinions on the City's role in protecting private property rights or residential neighborhoods from overdevelopment. The Steering Committee, ABR, HLC, Planning Commission and Staff listened to concerns about preserving neighborhood character and the role of FARs. It is not possible to achieve community-wide agreement on an FAR standard. The SFDG/NPO Update Package FAR standard and guideline program addresses some concerns of the commenting parties, but does not completely satisfy any of the parties. The FAR proposals are based on Staff recommendations from data and analysis, and also on responses to concerns from hearing bodies and public commenters.

Staff believes the SFDG/NPO Update proposal package will achieve the majority of expected outcomes and incorporates the vision, goals and directives as first outlined to City Council in 2004. Major benefits of the NPO/SFDG Update include:

- Additional single family projects will be able to be reviewed due to the creation of a new Neighborhood Preservation Board (NPB). The NPB will serve as specialists in single-family home review. Some of the aesthetically problematic projects which were processed only with building permits before, will now be subject to focused Design Review by the NPB.
- Floor to Lot Area Ratios will serve as a guide to applicants in project proposals and provide definite tiers of review for decision makers.
- The updated Draft SFDG document is an important improvement of the SFDG/NPO Update process and provides additional effective design tools for decision makers and education to applicants as to how to effectively design projects compatible with their neighborhood and where applicable, responsive to hillside constraints.
- Public noticing of projects will be improved.

- Good Neighbor policies have been strengthened in the areas of privacy, landscaping, noise and lighting.

NOTE: The following documents have been provided to the Mayor and Council under separate cover, and are available for review in the Council office, and the City Clerk's office:

1. Updated Single Family Design Guidelines, published May 2007
2. Previous Council and Ordinance Committee Staff Reports and Minutes
3. SFDG/NPO Update Package. published May 2006

ATTACHMENT: Resolution to Adopt Updated Single Family Design Guidelines

PREPARED BY: Heather Baker, AICP, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office